

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00158-CKK**

PUBLIC EMPLOYEES FOR ENVIRONMENTAL  
RESPONSIBILITY v. UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY  
Assigned to: Judge Colleen Kollar-Kotelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/25/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PUBLIC EMPLOYEES FOR  
ENVIRONMENTAL  
RESPONSIBILITY**

represented by **Paula Naomi Dinerstein**  
PUBLIC EMPLOYEES FOR  
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V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY**

represented by **Marina Utgoff Braswell**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
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Date Filed	#	Docket Text
01/25/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF HOMELAND SECURITY ( Filing fee \$ 400 receipt number 0090-5302038) filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Declaration Corporate Disclosure, # <u>3</u> Summons Attorney General, # <u>4</u> Summons DHS, # <u>5</u> Summons USAO)(Dinerstein, Paula) (Entered: 01/25/2018)
01/25/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (md) (Entered: 01/25/2018)
01/25/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (md) (Entered: 01/25/2018)
01/25/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (md) (Entered: 01/25/2018)
01/30/2018	<u>4</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 1/30/18. (DM) (Entered: 01/30/2018)
02/07/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/31/2018. Answer due for ALL FEDERAL DEFENDANTS by 3/2/2018. (Dinerstein, Paula)

		(Entered: 02/07/2018)
02/07/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 1/30/2018 (Dinerstein, Paula) (Entered: 02/07/2018)
02/07/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/31/2018. (Dinerstein, Paula) (Entered: 02/07/2018)
02/12/2018	<u>8</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Braswell, Marina) (Entered: 02/12/2018)
03/02/2018	<u>9</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Braswell, Marina) Modified to add link on 3/5/2018 (znmw). (Entered: 03/02/2018)
03/20/2018	<u>10</u>	ORDER. The parties shall file the schedule not later than <b>APRIL 19, 2018</b> . Signed by Judge Colleen Kollar-Kotelly on March 20, 2018. (lcckk1) (Entered: 03/20/2018)
03/20/2018		Set/Reset Deadlines: Joint Schedule due by 4/19/2018. (dot) (Entered: 03/20/2018)
04/19/2018	<u>11</u>	MEET AND CONFER STATEMENT. (Dinerstein, Paula) (Entered: 04/19/2018)
05/02/2018		MINUTE ORDER: The Court has received the parties' <u>11</u> Joint Meet and Confer Report, which indicates that Defendant's Federal Emergency Management Agency ("FEMA") and National Protection and Programs Directorate ("NPPD") have identified certain documents and expect to make an interim release by May 9, 2018, and to complete processing by June 15, 2018. Accordingly, the Court adopts the parties' proposal that they file a Joint Status Report by <b>JUNE 25, 2018</b> , confirming the status of Defendant's productions, identifying how Plaintiff intends to proceed, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on May 2, 2018. (lcckk1) (Entered: 05/02/2018)
05/02/2018		Set/Reset Deadlines: Joint Status Report due by 6/25/2018, confirming the status of Defendant's productions, identifying how Plaintiff intends to proceed, and proposing a briefing schedule, if necessary. (dot) (Entered: 05/02/2018)
06/25/2018	<u>12</u>	Joint MEET AND CONFER Statement by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) Modified on 7/5/2018 (zrdj). (Entered: 06/25/2018)
07/09/2018		MINUTE ORDER: The Court has received the parties' <u>12</u> Joint Meet and Confer Report, which indicates that FEMA and NPPD have made "final" productions to Plaintiff. It is not clear whether the parties are currently negotiating over the finality of those productions, as they represent that "[a]fter plaintiff's FOIA request has been fully processed and produced," further time will be necessary to enable Plaintiff to identify its proposed next steps in this litigation. In any event, the parties shall file a further Joint Status Report by <b>JULY 31, 2018</b> , indicating how Plaintiff intends to proceed, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on July 9, 2018. (lcckk1) (Entered: 07/09/2018)
07/09/2018		Set/Reset Deadlines: Joint Status Report due by 7/31/2018. (kt) (Entered: 07/09/2018)
07/31/2018	<u>13</u>	Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 07/31/2018)
08/07/2018		MINUTE ORDER: The Court has received the parties' <u>13</u> Joint Status Report, which indicates that Defendant has completed its processing of Plaintiff's FOIA request, that the parties continue to discuss certain exemptions asserted by FEMA, and that FEMA is preparing a <i>Vaughn</i> declaration for Plaintiff. The parties shall file a further Joint Status Report by <b>SEPTEMBER 10, 2018</b> , indicating how the parties intend to proceed, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on August 7, 2018. (lcckk1) (Entered: 08/07/2018)
08/07/2018		Set/Reset Deadlines: Joint Status Report due by 9/10/2018, indicating how the parties intend to proceed, and proposing a briefing schedule, if necessary. (dot) (Entered: 08/07/2018)

09/10/2018	<u>14</u>	Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 09/10/2018)
09/17/2018		MINUTE ORDER: The Court has received the parties' <u>14</u> Joint Status Report, which indicates that Defendant has prepared a <i>Vaughn</i> declaration for Plaintiff and that Plaintiff intends to review this declaration to determine whether to make any challenges. The parties shall file a further Joint Status Report by <b>OCTOBER 15, 2018</b> , indicating whether the parties plan to settle or how they otherwise intend to proceed, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on September 17, 2018. (lcckk1) (Entered: 09/17/2018)
09/17/2018		Set/Reset Deadlines: Joint Status Report due by 10/15/2018. (dot) (Entered: 09/19/2018)
10/15/2018	<u>15</u>	Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 10/15/2018)
10/16/2018		MINUTE ORDER: The Court has received the parties' <u>15</u> Joint Status Report, which indicates that Plaintiff continues to review the <i>Vaughn</i> index and that the parties intend to confer upon completion of that review. The parties shall file a further Joint Status Report by <b>NOVEMBER 15, 2018</b> , indicating whether they plan to settle or how they otherwise intend to proceed, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on October 16, 2018. (lcckk1) (Entered: 10/16/2018)
10/16/2018		Set/Reset Deadlines: Joint Status Report due by 11/15/2018, indicating whether they plan to settle or how they otherwise intend to proceed, and proposing a briefing schedule, if necessary. (dot) (Entered: 10/17/2018)
11/15/2018	<u>16</u>	Joint STATUS REPORT by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 11/15/2018)
11/28/2018		MINUTE ORDER: The Court has received the parties' <u>16</u> Joint Status Report, which indicates that Plaintiff has completed its review of the <i>Vaughn</i> index and that it disagrees with the claimed exemption. The parties shall file a further Joint Status Report by <b>DECEMBER 14, 2018</b> , including their proposed briefing schedule, if briefing remains necessary. Signed by Judge Colleen Kollar-Kotelly on November 28, 2018. (lcckk1) (Entered: 11/28/2018)
11/29/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (tb) (Entered: 11/29/2018)
12/12/2018	<u>17</u>	JOINT STATUS REPORT and PROPOSED BRIEFING SCHEDULE , , by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) Modified text on 12/13/2018 (ztd). (Entered: 12/12/2018)
12/14/2018		MINUTE ORDER: The Court has received the parties' <u>17</u> Joint Status Report and Proposd [sic] Briefing Schedule for Defendant's Motion for Summary Judgment. The Court shall adopt the parties' generous proposed schedule in the accompanying Scheduling and Procedures Order. Signed by Judge Colleen Kollar-Kotelly on December 14, 2018. (lcckk1) (Entered: 12/14/2018)
12/14/2018	<u>18</u>	SCEDULING AND PROCEDURES ORDER. Signed by Judge Colleen Kollar-Kotelly on December 14, 2018. (lcckk1) (Entered: 12/14/2018)